

U.S.S.N. 09/776,574

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CM2-104033-006 (CAYMAN 0101 PUS)

REMARKS

Claims 1-10 are currently pending in the above application. Claims 1-5 stand rejected for reasons stated in the following paragraphs, while claims 6-10 stand allowed.

Accompanying the present response, pursuant to MPEP 711.03(c), Applicants herein are filing a Petition for Revival under 37 C.F.R. 1.137(b) along with the petition fee set forth in 37 C.F.R. 1.17(m). Further, pursuant to 37 C.F.R. 1.137(b)(3), Applicants state that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

Claims 1-5 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention for reasons stated in Paragraph 2 of the Office Action. Claims 1-5 also stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for reasons stated in Paragraph 3 of the Office Action. Moreover, Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by Bundy (U.S. Patent No. 4,045,449). Specifically, the Examiner states that the proviso does not appear to exclude the 3-oxa compounds taught in table B, beginning in column 103 of the application. Applicants respectfully traverse each of the examiner's rejections. However, in an effort to move this case towards allowance, Applicants have herein cancelled claims 1-5 without prejudice and hereby give notice that they intend to file a continuation application arguing the allowability of claims 1-5 in their present form.

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It is respectfully submitted that claims 6-10 are in proper form and are patentably distinguishable from the prior art. The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 223-9500 if any unresolved matters remain.

Respectfully submitted,

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